

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
JONESBORO DIVISION**

AUSTIN LEE SULLIVAN

PLAINTIFF

v.

3:12-cv-00092-BSM-JJV

DALE COOK, Sheriff of
Mississippi County; *et al.*

DEFENDANTS

ORDER

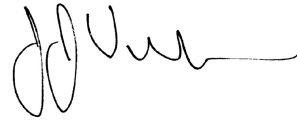
On April 3, 2012, Mr. Sullivan filed a *pro se* Complaint, pursuant to 42 U.S.C. § 1983. Pending before the Court is Plaintiff's Motion for Default Judgment. (Doc. No. 25).

Mr. Sullivan is correct in his assertion that Rule 12(a) of the Federal Rules of Civil Procedure provides a defendant must serve an answer within twenty-one (21) days of being served with the summons and complaint. FED. R. CIV. P. 12(a)(1)(A). Defendants, however, have not been served with the Complaint (Doc. No. 2).

Prior to ordering service of the Complaint, the Prisoner Litigation Reform Act requires courts to, as soon as practicable, screen a complaint in which a prisoner seeks redress from a governmental entity or an officer or employee of a governmental entity. 28 U.S.C. § 1915A(a). In performing this function, the court must identify "cognizable claims or dismiss the complaint, or any portion [thereof, that] is frivolous, malicious, or fails to state a claim upon which relief may be granted." 28 U.S.C. § 1915A(b)(1).

Because service is not appropriate until the court has an opportunity to screen Plaintiff's Complaint, his Motion for Default Judgment (Doc. No. 25) is premature and is DENIED without prejudice. The Court will screen the Complaint as soon as possible.

IT IS SO ORDERED this 30th day of August, 2012.

A handwritten signature in black ink, appearing to read 'Joe J. Volpe', written above a horizontal line.

JOE J. VOLPE
UNITED STATES MAGISTRATE JUDGE